

ARTICLE V. - NOISE<sup>[6]</sup>

Footnotes:

--- (6) ---

**Cross reference**— Noisy animals, § 5-9.

**State Law reference**— Disorderly conduct, Code of Ala. 1975, § 13A-11-7.

## DIVISION 1. - GENERALLY

## Sec. 12-231. - Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*A-weighted sound level* means the sound pressure level as measured with the sound level meter using the A weighing network. The standard unit notation is dB(A).

*Ambient noise* means background noise.

*Audible sound* means any sound for which the information content of that sound is transferred to the listener, such as but not limited to understanding of spoken speech, comprehension of whether a voice is raised or normal, or comprehension of musical rhythms.

*Commercial premises* means any premises where offices, clinics, kennels, shopping and service establishments exist.

*Construction* means any and all activity incidental to the erection, demolition, assembling, altering, installing or equipping of buildings, structures, roads or appurtenances, including land clearing, grading, excavating and filling.

*Construction equipment* means any equipment or devices, such as but not limited to pile drivers, power shovels, derricks, hoist tractors, loaders, rollers, concrete hauling motor vehicles, pavement breakers, bulldozers, crawler-tractors, rotary drills and augers, cranes, ditchers, trenchers, scrapers, wagons, pumps, compressors and pneumatic power equipment, or other mechanical apparatus operated by fuel or electric power in the construction, repair or demolition of any building, structure, land, street, alley, waterways or appurtenances.

*dB(A)* means the composite abbreviation for A-weighted sound level in decibels.

*Decibel* means a logarithmic unit of measure of 10 used in measuring magnitudes of sound. The symbol is dB.

*Domestic power equipment* means any equipment or device rated at 15 horsepower or less and used for home or building repairs and grounds maintenance.

*Emergency work* means any activities performed for the purpose of preventing or alleviating physical trauma or property damage threatened or caused by an existing or imminent peril.

*Hard test site* means any test site having the ground surface covered with concrete, asphalt, packed dirt, gravel or similar reflective material for more than half the distance between the microphone target point and the microphone location point.

*Highways* means the streets, alleys and highways within the city limits.

*Industrial premises* means any premises where manufacturing, processing or fabrication of goods or products takes place. For purposes of this article, all railroad rights-of-way are considered to be industrial premises.

*Land use category* means the actual existing utilization of the land regardless of its designation by the city zoning board.

*Microphone line* means the unmarked reference line running parallel to the vehicle path and passing through the microphone.

*Microphone target point* means the unmarked location on the center of the lane of travel that is closest to the microphone.

*Motor vehicle* means any self-propelled vehicle.

*Motorcycle* means any motor vehicle having a seat or saddle for the use of the rider and designed to travel on not more than three wheels, but excluding a tractor.

*Motor-driven cycle* means every motorcycle and every motor scooter with a motor which does not exceed five brake horsepower, including every bicycle with a motor attached.

*Muffler* means an apparatus consisting of a series of chambers or baffle plates designed for the purpose of transmitting gases while reducing sound emanating from such apparatus.

*Noise* means any sound which annoys or disturbs humans or which causes or tends to cause an adverse psychological or physiological effect on humans.

*Noise control officer* means the director of the air pollution control office of the city.

*Premises of public access* means the outdoor portion of a privately owned parcel of real property which is readily accessible to the general public and onto which the general public is or has been invited to enter on a continuous or recurrent basis. Examples include, but are not limited to, parking areas, gasoline dispensing facilities, and outdoor shopping and dining establishments. For purposes of this definition, roofed structures with open walls, such as parking garages, pavilions and gazebos shall be considered outdoor portions of a parcel of real property.

*Property line* means that real or imaginary line and its vertical extension which separates real property owned or controlled by any person from contiguous real property owned or controlled by another person, or separates real property from the public premises.

*Public premises* means all real property, including appurtenances on the property, which is owned or controlled by any public governmental entity and shall include streets, alleys, parks and waterways.

*Recreational and educational activity* means any game, sport or other activity, whether on public or private property, which a person is pursuing for educational purposes or for the purpose of amusement and enjoyment, but shall not include recreational motorized vehicles or the use of equipment which amplifies sound.

*Recreational motorized vehicle* means all recreational vehicles, whether or not duly licensed and registered, including but not limited to commercial or noncommercial racing vehicles, motorcycles, go-carts, snowmobiles, amphibious craft, campers and dune buggies, but not including motorboats.

*Residential premises* means any premises where single or multiple dwelling units exist and shall include schools, churches, hospitals, nursing homes and similar institutional facilities.

*Soft test site* means any test site having the ground surface covered with grass, other ground cover, or similar absorptive material for half or more of the distance between the microphone target point and the microphone location point.

*Sound* means energy that is transmitted by longitudinal pressure waves in air or other material and is the objective cause of the sensation of hearing.

*Sound amplification system* means any radio, tape player, compact disc player, loudspeaker or other electronic device used for the amplification of sound.

*Sound level* means a measure of the level of a sound with a weighing network in the measurement chain.

*Sound level meter* means an apparatus or instrument including a microphone, amplifier, attenuator, output meter and frequency weighing networks for the measurement of sound levels.

*Vehicle* means any device in, upon, or by which any person or property is or may be transported or drawn upon a highway, except devices moved by human power or used exclusively upon stationary rails or tracks.

(Ord. No. 86-297, § 2, 5-8-1986; Ord. No. 88-663, § 1(2), 1-12-1988; Ord. No. 93-312, § 1, 5-27-1993; Ord. No. 09-242, § 1, 3-26-2009)

**Cross reference**— Definitions generally, § 1-2.

Sec. 12-232. - Purpose.

This article is enacted to protect, preserve and promote the health, safety, welfare, peace and quiet for the citizens of the city through the reduction, control and prevention of excessive noise. It is the intent of this article to establish standards that will eliminate and reduce unnecessary and excessive vehicle and community noises which are physically harmful and otherwise detrimental to individuals and the community in the enjoyment of life, property, and conduct of business.

(Ord. No. 86-297, § 1, 5-8-1986)

Sec. 12-233. - Application exceptions.

This article shall apply to the operation of all motor vehicles, both upon public premises and on other public or private premises; and it shall be unlawful for any person to operate a motor vehicle either upon or off the public streets without complying with this article; except however, the following vehicles are exempt from the operation of this article:

- (1) Any motor vehicle engaged in a professional or amateur sanctioned competitive sports event on public or private property where such events are otherwise a lawful and permitted use of the property.
- (2) Agricultural equipment either on job site or traveling on highways when used and maintained in accordance with manufacturer's specifications.
- (3) Any vehicle operated by any federal or state military organization and designed for use in field operations, but not including vehicles such as staff cars and personnel carriers designed primarily for normal highway use.

(Ord. No. 86-297, § 7, 5-8-1986; Ord. No. 94-100, § 7, 2-10-1994)

Sec. 12-234. - Undue hardship.

Applications for a permit for relief from the sound levels designated in this article, except for motor vehicles operated on a public street or highway, may, on the basis of undue hardship, be made to the noise control officer. Any permit granted by the noise control officer under this article shall contain all conditions upon which the

permit has been granted and shall specify a reasonable time that the permit shall be effective. The noise control officer may grant the relief as applied for only if he finds that:

- (1) Additional time is reasonably necessary for the applicant to alter or modify his activity or operation to comply with this article; or
- (2) The activity, operation, or noise source will be of a temporary duration, and cannot be done in a manner that would comply with this article; and
- (3) No other reasonable alternative is available to the applicant; and
- (4) The applicant represents that the noise source as permitted will not violate recognized safety standards. The noise control officer may prescribe any reasonable conditions or requirements he deems necessary to minimize adverse effects upon the community or the surrounding neighborhood.

(Ord. No. 86-297, § 8, 5-8-1986; Ord. No. 94-100, § 8, 2-10-1994)

Sec. 12-235. - Instrumentation.

Equipment used in making sound level measurements shall meet the following requirements:

- (1) *Sound level meter.* Sound level meters shall be of type 1, 2 or S2A, meeting the requirements of the American National Standards Institute, Inc., or its successor bodies.
- (2) *Sound level calibrator.* An acoustic calibrator of the coupler type, accurate to within 0.5 dB, shall be utilized for the calibration of sound level meters.
- (3) *Windscreen.* A properly installed windscreen recommended by the manufacturer of the sound level meter shall be used.
- (4) *Calibration.* Each sound measuring instrument shall be returned to the manufacturer or its authorized service center or other qualified laboratory for calibration once every three years. Calibrations shall be to standards traceable to the National Bureau of Standards.

(Ord. No. 86-297, § 5, 5-8-1986; Ord. No. 94-100, § 5, 2-10-1994)

Sec. 12-236. - Instrument operator training.

Persons conducting sound level measurements under the provisions of this article shall be trained by a recognized school or a person whose qualifications have been approved by the noise control officer. This training shall include but is not limited to techniques of sound measurements and operation of sound measuring instruments.

(Ord. No. 86-297, § 6, 5-8-1986; Ord. No. 94-100, § 6, 2-10-1994)

Secs. 12-237—12-260. - Reserved.

DIVISION 2. - COMMUNITY NOISE LEVEL STANDARDS (VEHICLES ON PUBLIC PREMISES EXCEPTED)

Sec. 12-261. - Exceptions.

The provisions of this division do not apply to vehicles located on public premises.

(Ord. No. 94-100, § 3, 2-10-1994)

Sec. 12-262. - Exemptions.

The sound levels in section 12-265 shall not apply to sounds emitted from the following:

- (1) Any bell or chime from any clock, school or church.
- (2) Any siren, whistle, horn or bell used by emergency vehicles or any other alarm systems used in case of fire, collision, civil defense, burglary, police activity or imminent danger; however, no burglar alarm shall remain activated for more than 15 minutes after being activated and further provided that no burglar

alarm shall be allowed to produce alarm sounds in excess of those specified in section 12-265 for more than 15 minutes in any two-hour period.

- (3) Any activity of a temporary duration which is permitted by law and for which a license or permit has been granted by the city, including but not limited to parades, sporting events, concerts and firework displays.
- (4) Any construction equipment operated upon residential, commercial, industrial or public premises during the time period between 7:00 a.m. and 10:00 p.m.; however, operation of construction equipment between the hours of 10:00 p.m. and 7:00 a.m. shall not exceed the maximum sound levels specified in section 12-265, and further provided that such equipment shall be equipped with a properly installed muffler in good working order.
- (5) Any domestic power equipment operated upon any residential, commercial, industrial or public premises during the time period between 7:00 a.m. and 10:00 p.m. provided that such equipment does not exceed a sound level of 80 dB(A) when measured at a minimum of 25 feet from the noise source, and further provided that between the hours of 10:00 p.m. and 7:00 a.m. such equipment does not exceed the maximum sound levels specified in section 12-265.
- (6) Any emergency work.
- (7) Any detonation of explosives used to fragment rock for mining, quarrying, excavation and construction.
- (8) Any recreational and educational activity, including but not limited to school bands and neighborhood ball games, provided that between the hours of 10:00 p.m. and 7:00 a.m. such activity does not exceed the maximum sound levels specified in section 12-265.
- (9) Licensed refuse collection vehicles operated during the time period between 7:00 a.m. and 10:00 p.m.; however, sounds emitted from licensed refuse collection vehicles operated upon or within 150 feet of any residential premises between the hours of 10:00 p.m. and 7:00 a.m. shall not exceed the maximum sound levels specified in section 12-265.
- (10) Aircraft.
- (11) Animals.
- (12) Motor vehicles operated on public premises.
- (13) Noise sources within multifamily dwellings, office and apartment complexes, condominiums and similar structures occupied by more than one tenant which impact only those persons within the same dwelling, complex or building.

(Ord. No. 86-297, § 3.2, 5-8-1986; Ord. No. 88-663, § 1(3.2), 1-12-1988; Ord. No. 94-100, § 3.2, 2-10-1994)

Sec. 12-263. - Method of enforcement.

- (a) The noise control officer, or any sworn peace officer, shall be responsible for enforcing all of the provisions of this division. Where a violation of any provision of this article is found, the noise control officer and any person acting under his supervision are authorized to:
  - (1) Appear before a municipal court magistrate to make an affidavit under oath and request that a summons be issued for a person where there is probable cause for believing that the person is in violation of this article, requiring the person to appear in municipal court to answer charges of the violation.
  - (2) Serve as a witness, and to provide evidence of the violation, at the request of a person who has registered a noise complaint and wish to appear before a municipal court magistrate for the purpose of making an affidavit under oath and requesting that a summons be issued for the person where there is probable cause to believe that the person is in violation of this article, requesting the person to appear in the municipal court to answer charges of the violation.
- (b) Where the provisions of this division are enforced by a sworn peace officer, the peace officer shall proceed with enforcement under any method available to him pursuant to the laws of the state.

(Ord. No. 86-297, § 3.4, 5-8-1986; Ord. No. 88-663, § 1(3.4), 1-12-1988; Ord. No. 99-766, 9-23-1999)

Sec. 12-264. - Measurement procedure.

The sound level meter shall be operated in accordance with the instrument manufacturer's instructions and as follows:

- (1) *Microphone orientation.* The microphone shall be pointed towards the allegedly offensive noise source unless the instrument manufacturer's instructions specifically indicate otherwise.
- (2) *Meter setting.* The meter shall be set for the A-weighted network and slow response mode.
- (3) *Calibration.* An external calibration check and battery check shall be made before and after each use.
- (4) *Meter readings.* The recorded reading shall be the highest sound level obtained with the allegedly offensive noise source in operation, disregarding unrelated peaks due to extraneous ambient noises.
- (5) *Ambient conditions.* Measurements shall be made only when the A-weighted ambient sound level, including wind effects and all sources other than the noise source being measured, is at least ten dB(A) lower than the sound level of the noise source being measured; however, no source shall emit noise in excess of 86 dB(A) when measured 25 feet or more from the source.
- (6) *Sound level measurement.* Sound levels shall be measured at the approximate location of the property line or the boundary of the public premises, at a height of at least four feet above the immediate surrounding surface.
- (7) *System distance.* In no case shall the operator or observer be closer than two feet from the system's microphone, nor shall he locate himself between the microphone and the noise source being measured.

(Ord. No. 86-297, § 3.3, 5-8-1986; Ord. No. 88-663, § 1(3.3), 1-12-1988; Ord. No. 94-100, § 3.3, 2-10-1994)

Sec. 12-265. - Sound levels by receiving land use.

- (a) No person shall operate, cause to be operated or generate any source of sound in such a manner as to create a sound level which exceeds the following limits when measured at or within the property line of the receiving land use:

*Sound Levels by Receiving Land Use*

Receiving Land Use Category	Time	Sound Level Limit dB(A)
Residential, public space open space, agricultural, institutional property	7:00 a.m.—10:00 p.m.	55
	10:00 p.m.—7:00 a.m.	<u>50</u>
Commercial or business	At all times	<u>62</u>
Industrial	At all times	<u>70</u>

When a noise source can be identified and its sound measured in more than one land use category, the sound level limits of the most restrictive land use category shall apply.

- (b)

No person shall operate, cause to be operated, or generate any source of sound which is electronically amplified, or permit to be operated any sound amplification system such that the audible sound is discernible by the human ear at or within the property boundary of any adjoining or nearby residential premises between the hours of 10:00 p.m. and 7:00 a.m., except that the operation or generation of any electronically amplified sound originating from any commercial or industrial establishment used to page or notify individuals or to announce information shall not be permitted at any time if the audible sound is discernible by the human ear at or within the property boundary of any residential premises.

(Ord. No. 86-297, § 3.1, 5-8-1986; Ord. No. 88-663, § 1(3.1), 1-12-1988; Ord. No. 93-312, § 2, 5-27-1993; Ord. No. 94-100, § 3.1, 2-10-1994)

Secs. 12-266—12-290. - Reserved.

### DIVISION 3. - MOTOR VEHICLES AND SOUND AMPLIFICATION SYSTEMS ON PUBLIC PREMISES AND SOUND AMPLIFICATION SYSTEMS ON PREMISES OF PUBLIC ACCESS<sup>[7]</sup>

*Footnotes:*

--- (7) ---

**Editor's note**—Ord. No. 09-242, § 2, adopted March 26, 2009, amended the title of Div. 3 to read as herein set out. See also the Code Comparative Table.

**Cross reference**— *Traffic and vehicles, ch. 25.*

**State Law reference**— *Mufflers, Code of Ala. 1975, § 32-5-216.*

Sec. 12-291. - Method of enforcement.

The chief of police, and officers under his supervision, shall enforce all of the provisions of this division. Violations shall subject persons to citation to appear in municipal court, or other lawful enforcement action.

(Ord. No. 86-297, § 4.3, 5-8-1986; Ord. No. 94-100, § 4.3, 2-10-1994)

Sec. 12-292. - Measurement procedure.

(a) *Sound level meter operation.* The sound level meter shall be operated in accordance with the instrument manufacturer's instructions and as follows:

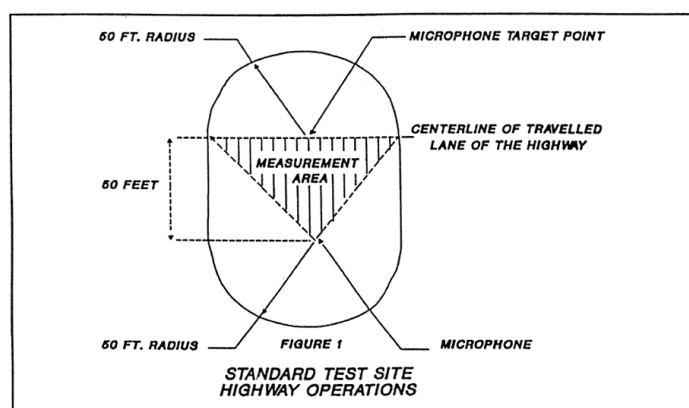
- (1) The microphone shall be located at a height of not less than two feet (0.6m) nor more than six feet (1.8m) above the plane of the roadway surface and not less than 3½ feet (1.1m) and not more than 4½ feet (1.4m) above the surface on which the microphone stands.
- (2) a. When the sound level measurement system is handheld or is otherwise monitored by a person located near its microphone, the holder must orient himself relative to the highway in a manner consistent with the recommendation of the manufacturer of the sound level measurement system.  
b. In no case shall the holder or observer be closer than two feet (0.6m) from the system's microphone, nor shall he locate himself between the microphone and the vehicle being measured.
- (3) The microphone shall be oriented toward the measurement area consistent with the recommendation of the sound level instrument's manufacturer. If the manufacturer does not recommend an orientation for its microphone, the microphone shall be pointed towards the vehicle being measured.
- (4) The meter shall be set for the A-weighted network and fast response mode.
- (5) An external calibration check and battery check shall be made before and after each period of use and at intervals not exceeding two hours when the instrument is used longer than a two-hour period.
- (6) Measurements shall be made of the sound level generated by the motor vehicle regardless of the highway grade, load, acceleration or deceleration.
- (7) The sound level generated by the motor vehicle is the highest reading observed on the sound level meter as the vehicle passes through the measurement area, corrected, when appropriate, in accordance with the rules in subsection (c) of this section. The sound level of the vehicle being measured must be

observed to rise at least six dB(A) before the maximum sound level occurs and to fall at least six dB(A) after the maximum sound level occurs in order to be considered a valid sound level reading.

(b) *Test site measurement area requirements.*

(1) *Standard test sites.*

- a. Measurements shall be made at a test site which is adjacent to and includes a portion of a traveled lane of a public highway. A microphone target point shall be established on the centerline of the traveled lane of the highway, and a microphone location point shall be established on the ground surface not less than 35 feet (10.7m) or more than 83 feet (25.3m) from the microphone target point and on a line that is perpendicular to the centerline of the traveled lane of the highway and that passes through the microphone target point. In the case of a standard test site, the microphone location point is 50 feet (15.2m) from the microphone target point. Within the test site is a triangular measurement area. A plan view diagram of a standard test site, having an open site within a 50-foot (15.2m) radius of both the microphone target point and the microphone location point, is shown in figure 1. Measurements may be made at a test site having smaller or greater dimensions in accordance with the rules in subsection (b)(2).



### Standard Test Site Highway Operations

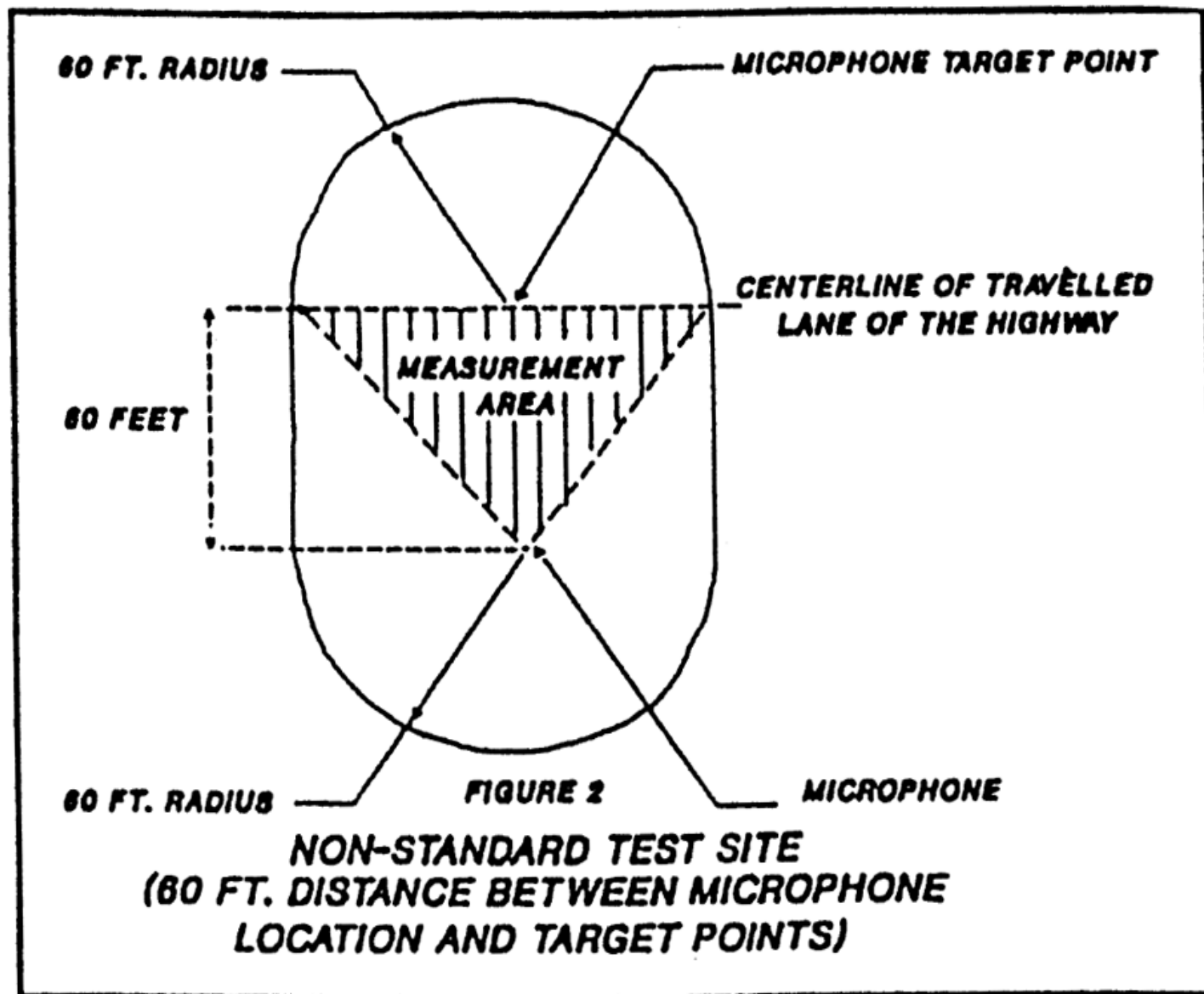
- b. The test site must be an open site, essentially free of large sound-reflecting objects. However, the following objects may be within the test site, including the triangular measurement area:
1. Small cylindrical objects such as fire hydrants or telephone or utility poles;
  2. Mailboxes;
  3. Traffic railings of any type of construction except solid concrete barriers (see subsection (c)(3)d. of this section); or
  4. One or more curbs having a vertical height of one foot (0.3m) or less.
- c. The following objects may be within the test site if they are outside of the triangular measurement area of the site:
1. Any vertical surface (such as a billboard), regardless of size, having a lower edge more than 15 feet (4.6m) higher than the surface of the traveled lane of the highway;
  2. Any uniformly smooth sloping surface slanting away from the highway (such as a rise in grade alongside the highway) with a slope that is less than 45 degrees above the horizontal;
  3. Any surface slanting away from the highway that is 45 degrees or more and not more than 90 degrees above the horizontal, if all points on the surface are more than 15 feet (4.6m) above the surface of the traveled lane of the highway.
- d. The surface of the ground within the measurement area must be relatively flat. The test site shall be a soft test site. However, if the test site is determined to be hard, the correction factor specified in subsection (c)(2) of this section shall be applied to the measurement.



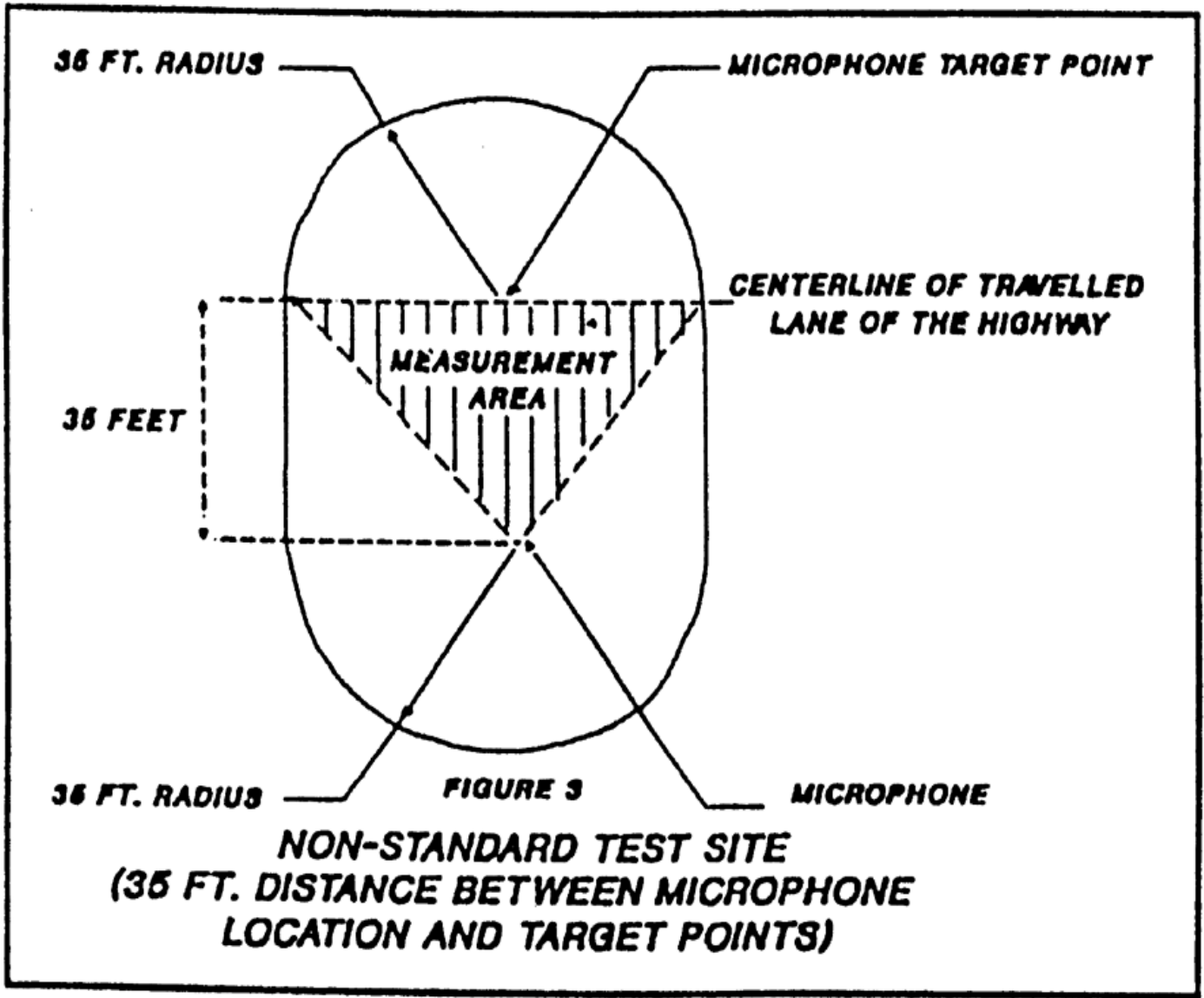
- e. The traveled lane of the highway within the test site must be dry, paved with relatively smooth concrete or asphalt, and substantially free of the following:
  - 1. Holes or other defects which would cause a motor vehicle to emit irregular tire, body or chassis impact noise; and
  - 2. Loose material such as gravel or sand.
- f. The traveled lane of the highway on which the microphone target point is situated must not pass through a tunnel or underpass located within 200 feet (16m) of that point.

(2) *Nonstandard sites.*

- a. If the distance between the microphone location point and the microphone target point is other than 50 feet (15.2m), the test site must be an open site within a radius from both points which is equal to the distance between the microphone location point and the microphone target point.
- b. Plan view diagrams on nonstandard test sites are shown in figures 2 and 3. Figure 2 illustrates a test site which is larger than a standard test site and is based upon a 60-foot (18.3m) distance between the microphone location point and the microphone target point. Figure 3 illustrates a test site which is smaller than a standard test site and is based upon a 35-foot (10.7m) distance between the microphone location point and the microphone target point.



Nonstandard Test Site 60 feet



Nonstandard Test Site 35 feet

(c) *Correction factors.* The rules in this subsection specify correction factors which are added to or subtracted from the reading of the sound level generated by a motor vehicle, as displayed on a sound level measurement system, during the measurement of the motor vehicle's sound level emissions at a test site which is not a standard site. The purpose of adding or subtracting a correction factor is to equate the sound level reading actually generated by the motor vehicle to the sound level reading it would have generated if the measurement had been made at a standard test site.

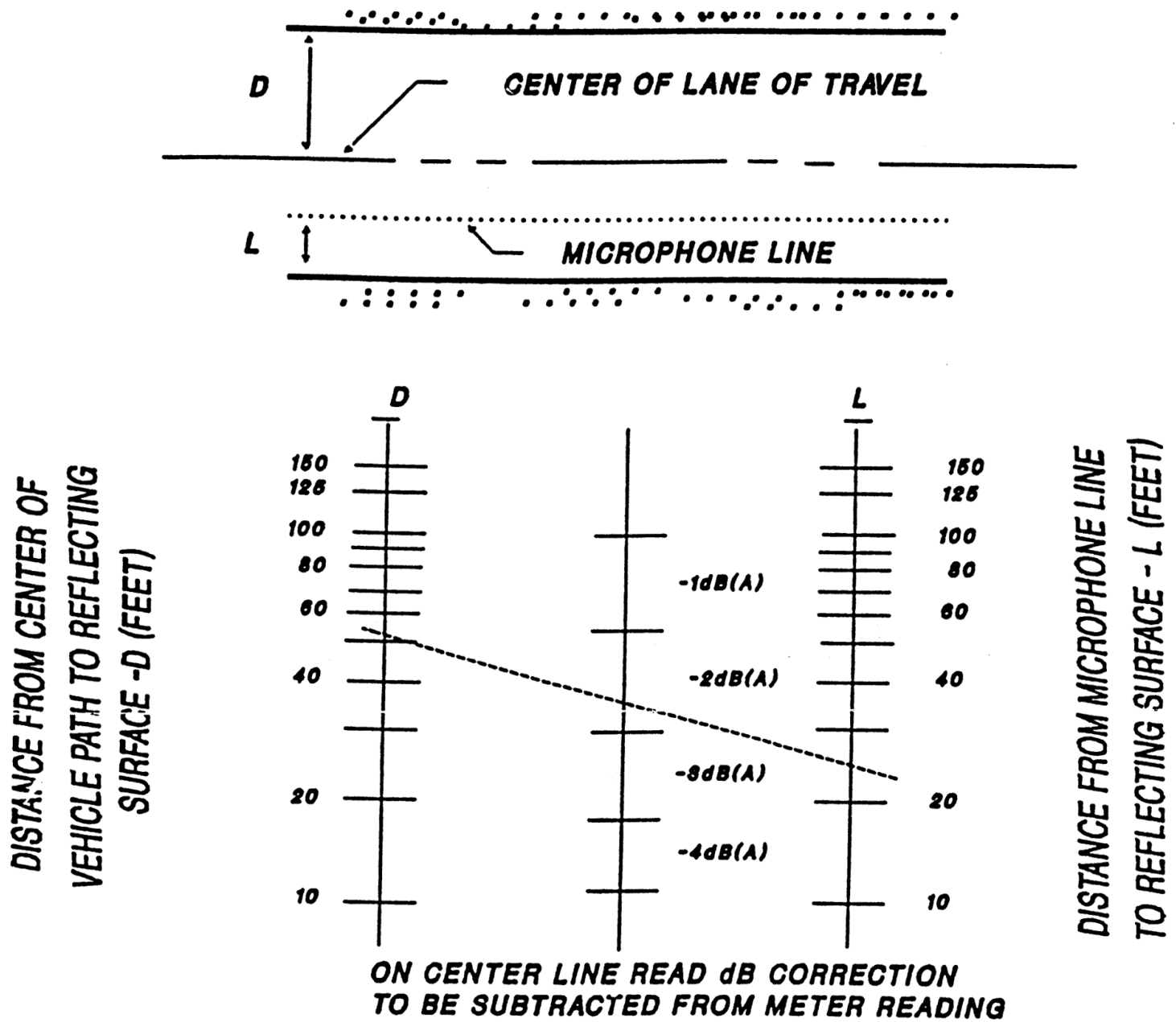
(1) *Distance correction factors.* If the distance between the microphone location point and the microphone target point is other than 50 feet (15.2m), the maximum observed sound level reading generated by the motor vehicle shall be corrected as specified in the following table:

*Distance Correction Factors*

Distance Between the	Value dB(A) To Be Applied to the Observed Sound Level Reading:
----------------------	--

Microphone Location Point and the Microphone Target Point Is:	
35 feet (10.7m) or more but less than 39 feet (11.9m)	-3
39 feet (11.9m) or more but less than 43 feet (13.1m)	-2
43 feet (13.1m) or more but less than 48 feet (14.6m)	-1
48 feet (14.6m) or more but less than 58 feet (17.7m)	0
58 feet (17.7m) or more but less than 70 feet (21.3m)	+1
70 feet (21.3m) or more but less than 83 feet (25.3m)	+2

- 
- (2) *Ground surface correction factors.* When measurements are made at a test site which is hard, a correction factor of 2 dB(A) shall be subtracted from the maximum observed sound level reading generated by the motor vehicle.
- (3) *Sound-reflecting surface correction factors.* The distances between the microphone line and its nearest sound-reflecting surface and between the centerline of the lane of travel and its nearest sound-reflecting surface shall be measured. These distances shall be located on the nomogram in figure 4 on their respective axis, and the two marks shall be connected by a straight line. The point on the central axis that is intersected by the straight line indicates the dB correction factor that shall be applied to the sound level reading obtained from such vehicle passing through the site. (The dotted line in figure 4 illustrates a -2 dB(A) correction for sound-reflecting surfaces at 52 feet from the center of the lane of travel and 25 feet from the microphone line.)
- a. The correction factors determined by the nomogram in figure 4 shall be used only for sound-reflecting surfaces that are parallel to the lane of travel.
  - b. Basically parallel surfaces may have irregularities or projections of not more than two feet, measured perpendicular to the lane of travel, with the distance shown in figures 1, 2 and 3 measured from the nearest projecting surfaces.
  - c. Sound-reflecting surfaces not basically parallel to the lane of travel shall be a distance as specified in subsections (a)(1) and (a)(2) of this section. This restriction does not apply to surfaces that are perpendicular to the lane of travel and behind the parallel surface for which corrections are made, such as a fence, or the sidewalls of a building.
  - d. Distance measurements from smooth embankments covered with vegetation, concrete, asphalt, dirt, or other relatively smooth cover shall be made from the point where the slope begins to exceed 45 degrees above horizontal. Measurements from nonsmooth embankments shall be made from the point where the irregularity begins.
- (d) *Application of correction factors.* If two correction factors apply to a measurement, they are applied cumulatively.



**FIGURE 4**

Distance From Center of Vehicle Path

(Ord. No. 86-297, § 4.2, 5-8-1986)

Sec. 12-293. - Sound levels by vehicle type.

No person shall operate a motor vehicle upon any public premises, or be permitted to operate a motor vehicle upon any public premises at any time or under any conditions of roadway grade, load, acceleration or deceleration in such a manner as to generate a sound level in excess of the following limits for the category of motor vehicle and applicable speed under measurement procedures established in this division:

Sound Levels by Vehicle Type			
	Type of	Speed Limit Zone	Speed Limit Zone

	Vehicles	35 mph or Less	Over 35 mph
(1)	Motorcycles and motor-driven cycles	82 dB(A)	86 dB(A)
(2)	Vehicles with gross weight of 10,000 pounds or over	86 dB(A)	<u>90</u> dB(A)
(3)	Vehicles with gross weight under 10,000 pounds	<u>80</u> dB(A)	84 dB(A)

(Ord. No. 86-297, § 4.1.1, 5-8-1986; Ord. No. 93-312, § 3, 5-27-1993; Ord. No. 94-100, § 4.1.1, 2-10-1994)

Sec. 12-294. - Standing motor vehicles.

No person shall operate or permit the operation of any motor vehicle with a gross vehicle weight rating (GVWR) in excess of 10,000 pounds, or any auxiliary equipment attached to such a vehicle, for a period longer than ten minutes in any hour while the vehicle is stationary, for reasons other than traffic congestion, within 150 feet (46m) of a residential area, between the hours of 10:00 p.m. and 7:00 a.m. the following day.

(Ord. No. 86-297, § 4.1.2, 5-8-1986; Ord. No. 94-100, § 4.1.2, 2-10-1994)

Sec. 12-295. - Licensed refuse collection vehicles.

The maximum permissible sound level as specified in section 12-293 shall not apply to sounds emitted from refuse collection vehicles operated on public premises during the time period between 7:00 a.m. and 10:00 p.m.; however, sounds emitted from refuse collection vehicles operated within 150 feet of residential premises between the hours of 10:00 p.m. and 7:00 a.m. shall not exceed the maximum sound levels as specified in section 12-293.

(Ord. No. 86-297, § 4.1.3, 5-8-1986; Ord. No. 94-100, § 4.1.3, 2-10-1994)

Sec. 12-296. - Horns and signaling devices.

No person shall sound any horn or signaling device on any truck, automobile, motorcycle, or other vehicle on any street or highway, except as a danger warning, and then only for a reasonable period of time.

(Ord. No. 86-297, § 4.1.4, 5-8-1986; Ord. No. 94-100, § 4.1.4, 2-10-1994; )

Sec. 12-297. - Sound amplification systems.

- (a) No person shall operate or cause to be operated any sound amplification system, either in a motor vehicle or separate from a vehicle, on any public premises so as to produce an audible sound measured at least 25 feet from the system. Measurement of the audible sound shall be by the auditory senses, based on direct line of sight.
- (b) No person shall operate or cause to be operated any sound amplification system, either in a motor vehicle or separate from a vehicle, on any premises of public access so as to produce an audible sound measured at least 25 feet from the system. Measurement of the audible sound shall be by the auditory senses, based on direct line of sight. If the person operating or causing to be operated the sound amplification system is the owner or lessee of the real property upon which the sound amplification system is being operated, then the provisions of section 12-265 of this article shall apply rather than the provisions of this subsection. Absent compelling circumstantial or documentary evidence that the person operating or causing to be operated a sound amplification system on any premises of public access has a possessory interest in the real property upon which the system is being operated, the presumption shall be that the person operating or causing to be operated a sound amplification system on any premises of public access is neither an owner nor a lessee of the real property upon which the system is being operated. In any proceeding instituted pursuant to the provisions of section 12-291 of this division for violation of this subsection, the person subject to such proceeding may assert holding a possessory interest in the real property upon which the sound amplification system was operated as an affirmative defense.
- (c) This section shall make no distinction between stopped, standing, parked or moving motor vehicles.
- (d) Possession by a person of the sound amplification system in subsection (a) or (b) of this section shall be prima facie evidence that the person operated the system.
- (e) Exemptions (1), (2), (3), (6) and (8) of section 12-262 shall apply to this section.

(Ord. No. 86-297, § 4.1.5, 5-8-1986; Ord. No. 93-312, § 4, 5-27-1993; Ord. No. 94-100, § 4.1.5, 2-10-1994; Ord. No. 09-242, § 3, 3-26-2009)

Secs. 12-298—12-330. - Reserved.